

AMENDED IN SENATE APRIL 24, 2002

AMENDED IN SENATE APRIL 11, 2002

SENATE BILL

No. 2087

Introduced by Senator Soto

March 4, 2002

An act to add Section 23109.7 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 2087, as amended, Soto. Vehicles: speed contests.

Existing law prohibits any person from engaging in a motor vehicle speed contest on a highway, as defined.

This bill would provide that any person knowingly present as a spectator at an illegal motor vehicle speed contest or exhibition of speed, or knowingly present as a spectator where preparations are being made for any illegal speed contest or exhibition of speed, is guilty of a misdemeanor *or an infraction* punishable by ~~imprisonment in a county jail for not more than 6 months~~, by a fine of not more than \$1,000, ~~or by both that fine and imprisonment~~ *and, of a misdemeanor, by imprisonment in the county jail, as specified.*

~~The bill would make evidence of specified prior acts admissible to show the propensity of the defendant to be present at or attend a speed contest or exhibition of speed if the prior act or acts occurred within 3 years of the presently charged offense.~~

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23109.7 is added to the Vehicle Code,
2 to read:

3 23109.7. (a) Any person who is knowingly present as a
4 spectator at an illegal motor vehicle speed contest or exhibition of
5 speed conducted on a highway, or who is knowingly present as a
6 spectator where preparations are being made for an illegal speed
7 contest or exhibition of speed, is guilty of a misdemeanor *or an*
8 *infraction, which offense shall be subject to the provisions of*
9 *subdivision (d) of Section 17 of the Penal Code.*

10 (b) A violation of this section shall be punishable by
11 imprisonment in a county jail for not more than 90 days, or by a
12 fine of not more than five hundred dollars (\$500), or by both that
13 fine and imprisonment. Any subsequent violation and conviction
14 within three years shall be punishable by imprisonment in a county
15 jail for not more than 6 months, or by a fine of not more than one
16 thousand dollars (\$1,000), or by both that fine and imprisonment.
17 *However, if the violation is determined to be an infraction under*
18 *subdivision (d) of Section 17 of the Penal Code, the offense shall*
19 *be punishable only by the applicable fine set forth in this*
20 *subdivision, and not by imprisonment.*

21 (c) For the purposes of this section the following definitions
22 shall apply:

23 (1) "Spectator" means any person who is present ~~for the~~
24 ~~purpose of viewing, observing, watching, or witnessing with the~~
25 *specific intent to encourage or facilitate* an illegal speed contest or
26 exhibition of speed, without regard to whether the person arrived
27 by driving a vehicle, riding as a passenger in a vehicle, walking,
28 or some other means.

29 (2) To be "present" means being located within 150 feet of the
30 course of the speed contest or exhibition of speed, or within 150

1 feet of the highway where preparations are being made for the
2 speed contest or exhibition of speed.

3 (3) “Preparation” means any of the following acts done for the
4 purpose of a speed contest or exhibition of speed:

5 (A) A group of motor vehicles or people has arrived at a
6 predetermined location.

7 (B) A group of individuals has lined one or both sides of a
8 highway.

9 (C) One or more individuals have impeded by actions, words,
10 or physical barrier the free public use of a highway.

11 (D) Two or more vehicles have lined up next to one another
12 with motors running.

13 (E) At least one driver is racing his or her engine or spinning
14 his or her tires.

15 (F) An individual is stationed near one or more motor vehicles
16 as a race starter.

17 (4) “Illegal speed contest” means any speed contest referred to
18 in subdivision (a) of Section 23109.

19 (5) “Exhibition of speed” means any exhibition of speed
20 referred to in subdivision (c) of Section 23109.

21 ~~(d) Notwithstanding any other provision of law, to prove a~~
22 ~~violation of this section, admissible evidence may include, but is~~
23 ~~not limited to, any of the following:~~

24 ~~(1) That the person charged has previously participated in an~~
25 ~~illegal speed contest or exhibition of speed.~~

26 ~~(2) That the person charged has previously aided and abetted an~~
27 ~~illegal speed contest or exhibition of speed.~~

28 ~~(3) That the person charged has previously attended an illegal~~
29 ~~speed contest or exhibition of speed.~~

30 ~~(4) That the person charged was previously present at a location~~
31 ~~where preparations were being made for an illegal speed contest~~
32 ~~or exhibition of speed or where a speed contest or exhibition of~~
33 ~~speed was in progress.~~

34 ~~(5) Evidence of these prior acts may be admissible to show the~~
35 ~~propensity of the defendant to be present at or attend a speed~~
36 ~~contest or exhibition of speed if the prior act or acts occurred~~
37 ~~within three years of the presently charged offense. These prior~~
38 ~~acts may always be admissible to show knowledge on the part of~~
39 ~~the defendant that a speed contest or exhibition of speed was taking~~
40 ~~place at the time of the presently charged offense.~~

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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